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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,418	08/06/2003	Keith Jusas	Clin/ 03	7314

7590 02/01/2005

LAW OFFICE OF LEO G. LENNA
1 MAKAMAH BEACH ROAD
NORTHPORT, NY 11768

EXAMINER	
PAIK, STEVE S	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/635,418	JUSAS ET AL.	
	Examiner	Art Unit	
	Steven S. Paik	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,19 and 25-29* is/are rejected.

7)☒ Claim(s) *11-18,20-24 and 30-34* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on November 21, 2003 fails to provide the PTO-1449 form with a space for the examiner's initial, signature, and date considered. The Examiner has considered the list of U.S. patent documents filed on the above date. The applicant is respectfully requested to list the U.S. patent documents on the PTO-1449 form in response to this Office Action.

Claim Objections

2. Claims 1, 7, 8, 13, and 18 are objected to because of the following informalities:

The Examiner respectfully requests the applicant to consider amending the following phrases in above claims to eliminate potential ambiguities in the claim languages.

Claim 1: "A RFID" and "a RFID read/write unit" in lines 1 and 7 and "so as to advance" in line 5, please substitute them by -- An RFID --, -- an RFID read/write unit --, and -- for advancing --, respectively.

Claim 7: "it" in line 3, please substitute by -- said RFID containing stock --

Claim 8: "it" in line 3, please substitute by -- said RFID containing stock --

Claim 13: "so that it can be adjusted" in line 2, please substitute by -- and said feeder can be adjusted --

Claim 18: "is capable of reading" in line 2, please substitute by -- is for reading --

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hohberger et al. (US 2003/0063139A1).

Re claims 1 and 19, Hohberger et al. disclose an RFID encoding/verifying apparatus comprising: a platform (a guide plate 114) for positioning RFID containing stock upon (128 in Fig. 5);

a feeder (carrier rollers 112, 113, 115) positioned on said platform for advancing said RFID containing stock;

a motor (stepping motor 120) in communication with said feeder so as to advance said RFID containing stock a predetermined distance when activated;

an RFID read/write unit (148) comprising at least one antenna (programmer antenna 110) with read/write capability for transmitting information to said RFID containing stock as said RFID containing stock is advanced past said RFID read/write unit; and

a processor (138 in Fig. 6) in communication with said motor (stepping motor 120) and said RFID read/write unit (transponder programmer 148), said processor controlling the advancing of said motor and the transmission of data to and from said RFID read/write unit (col. 4, [0056]).

Re claim 2, Hohberger et al. disclose the RFID encoding/verifying apparatus as recited in rejected claim 1 stated above, wherein the read/write unit (programmer 148) comprises at least one integrated circuit coupled to at least one antenna with read/write capability (programmer antenna 110) for transmitting information to RFID containing stock as said RFID containing stock (128) is advanced past said at least one antenna (110).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3-10 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohberger et al. (US 2003/0063139A1) in view of Wiklof et al. (US 6,246,326).

As discussed above, Hohberger et al. disclose an RFID encoding/verifying apparatus comprising, among other things, a processor unit, a stepping motor, a transponder programmer, a transponder position sensor, memory and a printer.

Hohberger et al., however, do not specifically disclose a radio frequency driver in communication with the processor unit.

Wiklof et al. disclose a smart label (RFID tag) printer comprising a central processing unit (12) in communication with an RF driver (50) via a control bus (22). The RF driver includes a radio frequency modulator that permits digital signals to be communicated through an antenna (60) to/from the RFID tags via an RF communication channel. The RF driver can also be used to communicate to/from a local area network.

In view of Wiklof et al., it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ an RF driver in addition to the RFID encoding/verifying apparatus of Hohberger et al. due to the fact that more data can be communicated on a radio wave for the purposes of improving programming tasks and printing functions by exchanging data to/from RFID tags and a local area network.

Re claim 4, Hohberger et al. in view of Wiklof et al. disclose the RFID encoding/verifying apparatus as recited in rejected claim 3 stated above, further comprising:

a memory (ROM 14 and RAM 16 in Fig. 2 of Wiklof) coupled to said processor (CPU) storing data to be sent to said radio frequency driver (50); and

a non-volatile memory (the ROM 14 provides for non-volatile storage of an instruction set that can be sequentially executed by the CPU to control the overall operation of the smart label printer) coupled to said processor, said non-volatile memory storing program instructions for controlling said processor, said program instructions comprising the steps of reading said data from said memory; generating a writing signal for said radio frequency driver (50); and sending of a signal from said processor commanding the operation of said radio frequency driver to encode at least one RFID containing stock unit in response to said data (Wiklof; col. 4, ll. 1-35).

Re claim 5, Hohberger et al. in view of Wiklof et al. disclose the RFID encoding/verifying apparatus as recited in rejected claim 2 stated above, wherein one of said antennas broadcasts a carrier wave signal to energize one of said RFID containing stock and a second one of said antennas subsequently communicates with one of said RFID containing stock unit (claim 1 of Wiklof et al. disclose, among other things, a memory coupled to said processor storing data to be sent to said printing unit and said radio frequency driver; and, a non-volatile

memory coupled to said processor storing program instructions for controlling said processor, said program instructions comprising the steps of reading said data from said memory; generating a writing signal for said radio frequency driver; and generating a printing signal for said printing unit, said processor commanding operation of said radio frequency driver to encode at least one smart label and said printing unit to print said smart label in response to said data; wherein a first one of said plurality of antennas broadcasts a carrier wave signal to energize one of said RFID tags and a second one of said plurality of antennas subsequently communicates with said one of said RFID tags.).

Re claim 6, Hohberger et al. in view of Wiklof et al. disclose the RFID encoding/verifying apparatus as recited in rejected claim 2 stated above wherein one of said antennas broadcasts a carrier wave signal to energize one of said RFID containing stock units and the same antennas subsequently communicates with one of said RFID containing stock units (claim 1 of Wiklof et al. disclose, among other things, a first one of said plurality of antennas broadcasts a carrier wave signal to energize one of said RFID tags and a second one of said plurality of antennas subsequently communicates with said one of said RFID tags.).

Re claims 7-9, Hohberger et al. in view of Wiklof et al. disclose the RFID encoding/verifying apparatus as recited in rejected claim 2 further comprising at least one barcode reader/OCR scanner positioned on said platform so as to read information from said RFID containing stock as it is advanced passed said barcode reader (Wiklof et al. disclose in the background of the invention that conventional label printers can print visible indicia such as bar code symbols, addresses, logos, etc. It is obvious to an artisan of ordinary skill in the art to

include a barcode reader or an OCR scanner for the purpose of reading the barcode symbols, addresses, logos, etc.).

Re claim 10, Hohberger et al. in view of Wiklof et al. disclose the RFID encoding/verifying apparatus as recited in rejected claim 9 further comprising a marking unit (print head 42 in Wiklof or print head 18 in Hohberger) in communication with said processor whereby said marking unit marks said RFID containing stock when activated.

Method claims 25-29 are essentially the same in scope as apparatus claims 3-10 and are rejected similarly.

Allowable Subject Matter

7. Claims 11-18, 20-24, and 30-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: none of the cited prior arts, taken alone or in combination, discloses or fairly suggests the claimed RFID encoding/verifying apparatus comprising, among other things, a marking unit perforates designs in the RFID containing stock when activated and a feeder attached to an adjustable track so the feeder can be adjusted to accommodate RFID containing stock of various width.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Epstein (US 6,478,229) discloses a packaging tape with RFID transponders; Mosher, Jr. (US 5,973,600) discloses an RFID wristband including an identification circuitry.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Mon - Fri (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven S. Paik
Primary Examiner
Art Unit 2876

ssp